

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2931 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMJI MEPA CHUDASMA

Versus

STATE OF GUJARAT & OTHERS

Appearance:

None present for the Petitioner

MR SAMIR DAVE for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/10/96

ORAL JUDGEMENT

1. The matter was called out for hearing in the first round then in the second round and lastly in the third round but none appeared on behalf of the petitioner.

2. Heard Shri Samir Dave for the respondents and perused the Special Civil Application. The petitioner applied for quarry lease for building-lime-stone in

Survey No.130 (part) of village Chorwad of Malia Hatina, Tal. and Dist. Junagadh admeasuring area of 1 Hectare on 19th September, 1985. The Collector, Junagadh under its order dated 31st March, 1987 granted the quarry lease for the aforesaid mineral for 1 Hectare to the petitioner for a period of five years. The petitioner has filed this writ petition before this court stating that though the quarry lease has been granted in his favour by the Collector, Junagadh, but the lease agreement has not been executed nor the possession of the area has been given.

3. The reply to the Special Civil Application has been filed in which the fact has been admitted of the sanction of the quarry lease for the mineral, limestone in favour of the petitioner under the order dated 31st March, 1987 by the Collector, but the defence has been taken that the said area later on has been decided to notify for allotment to khaniyas, and in view of that position, the grant order dated 31st March, 1987 was not given effect to. It has further been admitted by the respondent that 0.24 are has remained after the notified area and that can be given to the petitioner, if the petitioner agrees. On 28th July, 1987, this writ petition has been admitted and order has been made for interim relief which reads as under:

Rule. Expedited. Heard the parties with regard to interim relief. It appears that certain portion of the land which has been leased to the petitioner has been notified for the purposes of excavation of minor minerals by khaniyas. However, from the affidavit in reply it appears that approximately 0.24 are of the land ordered to be leased to the petitioner still remains with the department. Hence, in facts and circumstances of the case it is directed that the respondents shall execute a lease deed in favour of the petitioner for this much portion of the land within ten days from today.

4. The petitioner has not made any grievance that the order of this court dated 28th July, 1987 has not been complied with. So in pursuance of the order aforesaid of this court, the petitioner would have been given the possession of the area of 0.24 are. The quarry lease has been sanctioned in favour of the petitioner only for five years and that period by now would have come to an end. In view of this fact and the interim relief granted by this court, this writ petition does not survive.

5. In the result, this writ petition stands disposed of in terms that it does not survive in view of the interim relief granted by this court as well as in view of the fact that the quarry lease was sanctioned only for five years and which period would have come to an end by now. Rule stands discharged with no order as to costs.

zgs/-